



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

re U.S. Application of:

Andrew WATSON

) Art Unit: 3624

Application Number: 09/453,800

) Examiner: Stefanos KARAMIS

Filed: 12/03/1999

For: SYSTEMS AND METHODS FOR BUILDING A PERSONALIZED ACCOUNT

Board of Patent Appeals and Interferences
 United States Patent and Trademark Office
 Randolph Building
 Alexandria, VA 22314

APPEAL BRIEF

This is an Appeal Brief under 37 C.F.R. § 41.37 in connection with the Final Office Action ("Final OA") mailed 01/12/2005. Each of the topics required by Rule 41.37 is presented herewith and is labeled appropriately. This Appeal Brief has been amended in response to the Notice of Non-compliance mailed on 04/07/2006, for failure to comply with 37 C.F.R. 41.37(c).

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REAL PARTY IN INTEREST

Universal Card Services Corporation, assignee of the entire right, title, and interest in the present application, is the real party in interest.

RELATED APPEALS AND INTERFERENCES

NONE

STATUS OF CLAIMS

Claims 1 – 21 are pending in the application. Claims 14 – 17 of the present application stand rejected under 35 U.S.C. §102(e) as anticipated U.S. Patent No. 5,970,478 to Walker et al. (“WALKER ‘478”). Claims 1 – 13 and 18 – 21 stand rejected under 35 U.S.C. §103(a) as unpatentable over WALKER ‘478 in view of U.S. Patent No. 6,434,534 (“WALKER ‘534”). The rejection of Claims 14 – 17 is appealed.

STATUS OF AMENDMENTS

No amendments have been filed subsequent to final rejection.

SUMMARY OF CLAIMED SUBJECT MATTER

Embodiments of the invention include a computer system for offering account-based services. The computer system includes a firewall module for determining security parameters. *See e.g.*, P09 L10-14, P11L15 – P12L02. An applicant module is used for collecting data on the applicant. *See e.g.*, P12 L01-05. A checker module determines credit worthiness parameters in real time in conjunction with a credit rating entity external to the computer system. *See e.g.*, P09 L05-09 (access to an external credit reporting service via a real time network), P09 L17 – P10 L04 (immediate issuance of a denial letter if the credit score return from the external credit scoring service is too low), and P12 L06-10. An account services building module receives preference indicator signals from the applicant indicative of features associated with an account-based service. *See e.g.*, P14 L03-10.

GROUND OF REJECTION TO BE REVIEWED***Rejection of Claims 14 – 17 Under 35 U.S.C. §102***

To establish a *prima facie* case of anticipation under 35 U.S.C., several criteria, including the following, must be met. *See* MPEP §2131 (citing statute, case law, and regulation).

- Each and every element as set forth in the claim must be found, either expressly or inherently described, in a single prior art reference.

The elements must be arranged as required by the claim.

ARGUMENT

Rejection of Claims 14 – 17 Under 35 U.S.C. §102 as Anticipated by WALKER '478

Claims 14 – 17 include the following limitation:

a checker module for determining worthiness parameters in real time in conjunction with a credit rating entity external to the computer system.

The Final OA asserts that WALKER '478 discloses this limitation.

Walker '478 teaches a computer system with a modem for outside communication to bank agent terminals (Figure 2). Further Walker '478 teaches credit rating stored in a consumer database in which the credit rating may be obtained from such external reporting agencies as TRW or EQUIFAX (column 6, lines 29-47).

Clearly, WALKER '478 does not disclose that the modem is a *checker module* capable of checking *worthiness parameter in real time with a credit rating entity external to the computer system*. While a modem **may** be used as **one** element, e.g., a communications interface component, of such a *checker module*, modems have no inherent structure to act as a *checker module*.

Since, WALKER '478 does not disclose each and every element as set forth in the claim, and WALKER '478 does not arrange elements as claimed, the Final OA fails to establish a *prima facie* case of anticipation. As such, this rejection of Claims 14 – 17 should be withdrawn.

CLAIMS

I claim:

1. (previously presented) A method of offering account based services comprising:

providing a baseline offer for a first account based service;

receiving a first preference indicator signal;

adjusting the baseline offer so as to form a first modified offer based upon the first preference indicator signal;

adjusting the first account based service so as to form a second account based service based upon the first preference indicator signal; and

providing the first modified offer for the second account based service;

wherein the baseline offer includes at least one benefit from an entity other than the account issuer.
2. (original) The method of claim 1 further comprising:

receiving a second preference indicator signal;

adjusting the first modified offer so as to form a second modified offer based upon the second preference indicator signal;

adjusting the second account based service so as to form a third account based service based upon the second preference indicator signal; and

providing the second modified offer for the third account based service.

3. (original) The method of claim 1 further comprising:

providing a list of available preference indicator choices along with providing the

baseline offer.
4. (original) The method of claim 1 further comprising:

providing a list of available preference indicator choices along with providing the first

modified offer.
5. (original) The method of claim 3 further comprising:

selecting the list of available preference indicator choices from a universe of possible

preference indicators.
6. (original) The method of claim 3 further comprising:

receiving personal information; and

determining a qualification based on the personal information.
7. (original) The method of claim 6 further comprising:

using the qualification to select the list of available preference indicator choices from the

universe of all possible preference indicator choices.
8. (original) The method of claim 6 further comprising:

using the qualification to form the baseline offer.

9. (original) The method of claim 6 further comprising not providing the baseline offer dependent upon the qualification.

10. (original) The method of claim 6 wherein the qualification is a credit line.

11. (original) The method of claim 1 wherein the first and second account based services relate to a credit card account.

12. (original) The method of claim 1 wherein the first and second account based services relate to an insurance account.

13. (original) The method of claim 1 wherein the first and second account based services relate to a telecommunications account.

14. (previously presented) A computer system comprising a first computer wherein the first computer comprises:

a firewall module for determining security parameters;

an applicant module for collecting data;

a checker module for determining worthiness parameters in real time in conjunction with
a credit rating entity external to the computer system; and

an account services building module for receiving preference indicator signals indicative
of features associated with an account-based service.

15. (original) The computer system of claim 14 further comprising a network coupled to the first computer.

16. (original) The computer system of claim 15 further comprising a second computer coupled to the network.

17. (original) The computer system of claim 15 wherein the network includes the World Wide Web.

18. (previously presented) A method of offering account based services comprising:

providing a baseline offer for a first account based service, wherein the baseline offer includes at least one benefit from an entity other than the account issuer;

providing a list of available features;

receiving a first preference indicator signal associated with a first feature from the available features;

adjusting the baseline offer so as to form a first modified offer based upon the first preference indicator signal;

adjusting the first account based service so as to form a second account based service by combining the first feature onto the first account based service so as to form the second account based service; and

providing the first modified offer for the second account based service.

19. (original) The method of claim 18 further comprising:

receiving a second preference indicator signal associated with a second feature from the available features ;

adjusting the first modified offer so as to form a second modified offer based upon the second preference indicator signal;

adjusting the second account based service so as to form a third account based service by combining the second feature onto the second account based service so as to form the third account based service; and

providing the second modified offer for the third account based service.

20. (original) The method of claim 18 further comprising:

receiving a second preference indicator signal associated with a second feature from the available features ;

adjusting the first modified offer so as to form a second modified offer based upon the second preference indicator signal;

adjusting the second account based service so as to form a third account based service by deleting the first feature from the second account based service and by combining the second feature onto the second account based service so as to form the third account based service; and

providing the second modified offer for the third account based service.

21. (original) The method of claim 18 wherein the adjusting of the first account based service so as to form a second account based service further comprises:

combining a second feature onto the first account based service so as to form the second account based service.

EVIDENCE APPENDIX

NONE

RELATED PROCEEDINGS APPENDIX

NONE

CONCLUSION


With consideration of the above remarks directed to rejections, the undersigned submits that Claims 14 – 17 are in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned, in person or over the telephone, we would welcome the opportunity to do so.

Respectfully submitted,

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